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## NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

03/19/2010

R. Alan Burnett  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
Seventh Floor  
12400 Wilshire Boulevard  
Los Angeles, CA 90025-1026

EXAMINER

HAIDER, FAWAAD

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 03/19/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/728,663

12/04/2003

Sean Patrick Nolan

4444.P008

8854

TITLE OF INVENTION: METHOD AND SYSTEM FOR AUTOMATING KEYWORD GENERATION, MANAGEMENT, AND DETERMINING EFFECTIVENESS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	06/21/2010

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

03/19/2010

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

R. Alan Burnett  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
Seventh Floor  
12400 Wilshire Boulevard  
Los Angeles, CA 90025-1026

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional

NO

\$1510

\$0

\$0

\$1510

06/21/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
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HAIDER, FAWAAD

3627

705-032000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

1 \_\_\_\_\_

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2 \_\_\_\_\_

3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

☐ Issue Fee

☐ Publication Fee (No small entity discount permitted)

☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

☐ A check is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 842 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 842 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/728,663	NOLAN, SEAN PATRICK	
	<b>Examiner</b>	<b>Art Unit</b>	
	FAWAAD HAIDER	3627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/9/10.
2. ☒ The allowed claim(s) is/are 1,3,5-7,10-13,15-18,20,22 and 40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| <p>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date <u>3/2/10</u></p> <p>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</p> | <p>5. <input type="checkbox"/> Notice of Informal Patent Application</p> <p>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date ____.</p> <p>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</p> <p>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</p> <p>9. <input type="checkbox"/> Other ____.</p> |
|--|--|

/Fawaad Haider/  
Examiner, Art Unit 3627

/F. Ryan Zeender/  
Supervisory Patent Examiner, Art Unit 3627

***Examiner's Amendment***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with William Jaffe on 3/2/10.

Claims 1, 3, 5-7, 10, 12-13, 15-16, 18, and 22 have been amended.

Claims 4, 8, 9, 14, and 19 have been canceled.

*The claims are amended as follows:*

1. (Currently Amended) A method comprising:

identifying target objects on an electronic storefront Web site to which customer traffic is to be targeted, wherein identifying the target objects includes performing a search for the target objects located in an electronic catalog separate from the electronic storefront Web site, wherein identifying the target objects for which keywords are automatically generated is performed periodically by a target discovery process and comprises identifying any new target objects that have been added to the Web site since the last time the target discovery process was performed;

automatically generating search keywords for the target objects that are identified and found by the search by

determining at least one applicable target type for each of the identified target objects, and

generating the search keywords for each of the determined at least one applicable target types;

receiving search result data from a search partner identifying search terms used to retrieve search results containing links to target objects on the electronic storefront Web site;

including those search terms as part of the search keywords that are purchased from the one or more partner sites;

automatically generating formatted search result data corresponding to at least one keyword that is to be purchased;

sending the formatted search result data for said at least one keyword to at least one of the one or more search partners;

including the formatted search result data are in search results produced by said at least one of the one or more search partners in response to searches corresponding to said at least one keyword;

initiating purchase of the search keywords from one or more search partners;

receiving billing and keyword clickthrough data from the one or more search partners; and

automatically determining a cost effectiveness of each of the keywords; wherein  
the cost effectiveness of each keyword is determined by:

calculating an average cost per click (CPC) value based on the billing and  
keyword clickthrough data received from the one or more search partners;

monitoring customer session activities initiated in response to each  
keyword clickthrough;

determining a margin per click (MPC) value comprising an average  
marginal profit for each customer session activity initiated by a keyword  
clickthrough for each keyword;

and comparing the MPC and CPC values for each keyword.

identifying target objects that were previously targeted for customer traffic that  
are related to catalog items that are either discontinued or currently unavailable; and

deactivating the purchase of any keywords corresponding to the target objects  
that are so identified.

3. (Currently Amended) The method of claim 1 [[2]], wherein the cost effectiveness of each keyword is determined for each search partner on an individual search partner basis.

4. (Cancelled)

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5. (Currently Amended) The method of claim 1 [[4]], further comprising automatically deactivating a keyword when it is determined to not be cost effective.

6. (Currently Amended) The method of claim 1 [[4]], wherein the CPC and MPC values are compared for each keyword at each of the one or more search partners.

7. (Currently Amended) A The method of claim 1 comprising:

~~identifying target objects on an electronic storefront Web site to which customer traffic is to be targeted, wherein identifying the target objects includes performing a search for the target objects located in an electronic catalog separate from the electronic storefront Web site;~~

~~automatically generating search keywords for the target objects that are identified and found by the search by~~

~~determining at least one applicable target type for each of the identified target objects, and~~

~~generating the search keywords for each of the determined at least one applicable target types; and~~

~~initiating purchase of the search keywords from one or more search partners, wherein purchase of keywords is automatically initiated by electronically interfacing with the search partner to exchange data identifying the keywords to be purchased.~~

8. (Cancelled)



9. (Cancelled)

10. (Currently amended) The method of claim 1 [[9]], wherein the formatted search result data is automatically generated by performing operations including:

creating a plurality of formatted search result templates;

selecting one of the plurality of formatted search result templates applicable for a given

keyword and search partner; and

filling in the formatted search result template with information corresponding to a catalog

item for which a corresponding keyword was automatically generated.

12. (Original) The method of claim 1 [[9]], wherein at least one formatted search result includes a destination URL containing embedded information identifying at least one of a product, brand, or category associated with the corresponding keyword.

13. (Original) The method of claim 1 [[9]], wherein at least one formatted search result includes a price corresponding to a target object for which the keyword was automatically generated.

14. (Cancelled)

15. (Original) The method of claim 1 ~~[[14]]~~, further comprising:

identifying target objects corresponding to items in the electronic catalog that were previously unavailable but are now available; and reactivating purchase of the keywords corresponding to those target objects.

16. (Currently Amended) The ~~A~~ method of claim 1 comprising:

~~identifying target objects on an electronic storefront Web site to which customer traffic is to be targeted, wherein identifying the target objects includes performing a search for the target objects located in an electronic catalog separate from the electronic storefront Web site;~~

~~automatically generating search keywords for the target objects that are identified and found by the search by~~

~~determining at least one applicable target type for each of the identified target objects, and~~

~~generating the search keywords for each of the determined at least one applicable target types; and~~

~~initiating purchase of the search keywords from one or more search partners, wherein the keywords are purchased from a search partner by sending a document to the search partner containing a list of keywords to be purchased along with bids for keywords.~~

18. (Currently Amended) A The method of claim 1, further comprising:

~~identifying target objects on an electronic storefront Web site to which customer traffic is to be targeted, wherein identifying the target objects includes performing a search for the target objects located in an electronic catalog separate from the electronic storefront Web site;~~

~~automatically generating search keywords for the target objects that are identified and found by the search by~~

~~determining at least one applicable target type for each of the identified target objects, and~~

~~generating the search keywords for each of the determined at least one applicable target types;~~

~~initiating purchase of the search keywords from one or more search partners;~~  
and

~~changing a purchase status of at least one of keyword with a search partner by electronically interfacing with the search partner via a Web service.~~

19. (Cancelled)

22. (Currently Amended) A machine-readable medium having instructions stored thereon, which when executed perform operations comprising:

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identifying target objects on an electronic storefront Web site to which customer traffic is to be targeted, wherein identifying the target objects includes performing a search for the target objects located in an electronic catalog separate from the electronic storefront Web site, wherein identifying the target objects for which keywords are automatically generated is performed periodically by a target discovery process and comprises identifying any new target objects that have been added to the Web site since the last time the target discovery process was performed;

automatically generating search keywords for the target objects that are identified and found by the search by

determining at least one applicable target type for each of the identified target objects, and

generating the search keywords for each of the determined at least one applicable target types;

receiving search result data from a search partner identifying search terms used to retrieve search results containing links to target objects on the electronic storefront Web site;

including those search terms as part of the search keywords that are purchased from the one or more partner sites;

automatically generating formatted search result data corresponding to at least one keyword that is to be purchased;

sending the formatted search result data for said at least one keyword to at least one of the one or more search partners;

Art Unit: 3627

including the formatted search result data are in search results produced by said  
at least one of the one or more search partners in response to searches corresponding  
to said at least one keyword;

initiating purchase of the search keywords from one or more search partners;  
receiving billing and keyword clickthrough data from the one or more search  
partners; and

automatically determining a cost effectiveness of each of the keywords; wherein  
the cost effectiveness of each keyword is determined by:

calculating an average cost per click (CPC) value based on the billing and  
keyword clickthrough data received from the one or more search partners;

monitoring customer session activities initiated in response to each  
keyword clickthrough;

determining a margin per click (MPC) value comprising an average  
marginal profit for each customer session activity initiated by a keyword  
clickthrough for each keyword;

and comparing the MPC and CPC values for each keyword.

identifying target objects that were previously targeted for customer traffic that  
are related to catalog items that are either discontinued or currently unavailable; and

deactivating the purchase of any keywords corresponding to the target objects  
that are so identified.

***Reasons for Allowance***

2. The following is an examiner's statement of reasons for allowance:

The best US prior art Cheung et al (2002/0169760) teaches identifying target objects and generating search keywords. But, the best US prior art lacks the limitations of a margin per click (MPC) value, initiating purchase of the search keywords, and performing a search for the target objects located in an electronic catalog separate from the electronic storefront Web site. The limitations lacking in the prior art, in combination with the other limitations clearly claimed in the application, are novel and unobvious.

The best NPL (*How Smart Are "Smart Banners"?*) teaches about searching, keywords, and clickthrough. But, the best NPL lacks the limitations of a margin per click (MPC) value, initiating purchase of the search keywords, and performing a search for the target objects located in an electronic catalog separate from the electronic storefront Web site. The limitations lacking in the prior art, in combination with the other limitations clearly claimed in the application, are novel and unobvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fawaad Haider whose telephone number is 571-272-7178. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fawaad Haider/

Examiner Art Unit 3627

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627

Application/Control Number: 10/728,663  
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